

REFERENCE TITLE: family assistance; eligibility; citizenship

State of Arizona
House of Representatives
Forty-seventh Legislature
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2006

HB 2594

Introduced by
Representatives Boone, Murphy, Pearce, Yarbrough

AN ACT

AMENDING SECTION 41-1954, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF ECONOMIC SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1954, Arizona Revised Statutes, is amended to
3 read:

4 41-1954. Powers and duties

5 A. In addition to the powers and duties of the agencies listed in
6 section 41-1953, subsection E, the department shall:

7 1. Administer the following services:

8 (a) Employment services, which shall include manpower programs and
9 work training, field operations, technical services, unemployment
10 compensation, community work and training and other related functions in
11 furtherance of programs under the social security act, as amended, the
12 Wagner-Peyser act, as amended, the federal unemployment tax act, as amended,
13 33 United States Code, the family support act of 1988 (P.L. 100-485) and
14 other related federal acts and titles.

15 (b) Individual and family services, which shall include a section on
16 aging, services to children, youth and adults and other related functions in
17 furtherance of social service programs under the social security act, as
18 amended, title IV, grants to states for aid and services to needy families
19 with children and for child-welfare services, title XX, grants to states for
20 services, the older Americans act, as amended, the family support act of 1988
21 (P.L. 100-485) and other related federal acts and titles. ALL SERVICES
22 DESCRIBED IN THIS SUBDIVISION SHALL BE PROVIDED ONLY TO CITIZENS OR LEGAL
23 RESIDENTS OF THE UNITED STATES.

24 (c) Income maintenance services, which shall include categorical
25 assistance programs, special services unit, child support collection
26 services, establishment of paternity services, maintenance and operation of a
27 state case registry of child support orders, a state directory of new hires,
28 a support payment clearinghouse and other related functions in furtherance of
29 programs under the social security act, title IV, grants to states for aid
30 and services to needy families with children and for child-welfare services,
31 title XX, grants to states for services, as amended, and other related
32 federal acts and titles. ALL SERVICES DESCRIBED IN THIS SUBDIVISION SHALL BE
33 PROVIDED ONLY TO CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES.

34 (d) Rehabilitation services, which shall include vocational
35 rehabilitation services and sections for the blind and visually impaired,
36 communication disorders, correctional rehabilitation and other related
37 functions in furtherance of programs under the vocational rehabilitation act,
38 as amended, the Randolph-Sheppard act, as amended, and other related federal
39 acts and titles.

40 (e) Administrative services, which shall include the coordination of
41 program evaluation and research, interagency program coordination and
42 in-service training, planning, grants, development and management,
43 information, legislative liaison, budget, licensing and other related
44 functions.

1 (f) Manpower planning, which shall include a state manpower planning
2 council for the purposes of the federal-state-local cooperative manpower
3 planning system and other related functions in furtherance of programs under
4 the comprehensive employment and training act of 1973, as amended, and other
5 related federal acts and titles.

6 (g) Economic opportunity services, which shall include the furtherance
7 of programs prescribed under the economic opportunity act of 1967, as
8 amended, and other related federal acts and titles.

9 (h) Mental retardation and other developmental disability programs,
10 with emphasis on referral and purchase of services. The program shall
11 include educational, rehabilitation, treatment and training services and
12 other related functions in furtherance of programs under the developmental
13 disabilities services and facilities construction act, Public Law 91-517, and
14 other related federal acts and titles.

15 (i) Nonmedical home and community based services and functions
16 including department designated case management, housekeeping services, chore
17 services, home health aid, personal care, visiting nurse services, adult day
18 care or adult day health, respite sitter care, attendant care, home delivered
19 meals and other related services and functions.

20 2. Provide a coordinated system of initial intake, screening,
21 evaluation and referral of persons served by the department.

22 3. Adopt rules it deems necessary or desirable to further the
23 objectives and programs of the department.

24 4. Formulate policies, plans and programs to effectuate the missions
25 and purposes of the department.

26 5. Employ, determine the conditions of employment and prescribe the
27 duties and powers of administrative, professional, technical, secretarial,
28 clerical and other persons as may be necessary in the performance of its
29 duties, contract for the services of outside advisors, consultants and aides
30 as may be reasonably necessary and reimburse department volunteers,
31 designated by the director, for expenses in transporting clients of the
32 department on official business.

33 6. Make contracts and incur obligations within the general scope of
34 its activities and operations subject to the availability of funds.

35 7. Contract with or assist other departments, agencies and
36 institutions of the state, local and federal governments in the furtherance
37 of its purposes, objectives and programs.

38 8. Be designated as the single state agency for the purposes of
39 administering and in furtherance of each federally supported state plan.

40 9. Accept and disburse grants, matching funds and direct payments from
41 public or private agencies for the conduct of programs which are consistent
42 with the overall purposes and objectives of the department.

43 10. Provide information and advice on request by local, state and
44 federal agencies and by private citizens, business enterprises and community

1 organizations on matters within the scope of its duties subject to the
2 departmental rules on the confidentiality of information.

3 11. Establish and maintain separate financial accounts as required by
4 federal law or regulations.

5 12. Advise with and make recommendations to the governor and the
6 legislature on all matters concerning its objectives.

7 13. Have an official seal which shall be judicially noticed.

8 14. Annually estimate the current year's population of each county,
9 city and town in this state, using the periodic census conducted by the
10 United States department of commerce, or its successor agency, as the basis
11 for such estimates and deliver such estimates to the economic estimates
12 commission before December 15.

13 15. Estimate the population of any newly annexed areas of a political
14 subdivision as of July 1 of the fiscal year in which the annexation occurs
15 and deliver such estimates as promptly as is feasible after the annexation
16 occurs to the economic estimates commission.

17 16. Establish and maintain a statewide program of services for persons
18 who are both hearing impaired and visually impaired and coordinate
19 appropriate services with other agencies and organizations to avoid
20 duplication of these services and to increase efficiency. The department of
21 economic security shall enter into agreements for the utilization of the
22 personnel and facilities of the department of economic security, the
23 department of health services and other appropriate agencies and
24 organizations in providing these services.

25 17. Establish and charge fees for deposit in the department of economic
26 security prelayoff assistance services fund to employers who voluntarily
27 participate in the services of the department which provide job service and
28 retraining for persons who have been or are about to be laid off from
29 employment. The department shall charge only those fees necessary to cover
30 the costs of administering the job service and retraining services.

31 18. Establish a focal point for addressing the issue of hunger in
32 Arizona and provide coordination and assistance to public and private
33 nonprofit organizations which aid hungry persons and families throughout this
34 state. Specifically such activities shall include:

35 (a) Collecting and disseminating information regarding the location
36 and availability of surplus food for distribution to needy persons, the
37 availability of surplus food for donation to charity food bank organizations,
38 and the needs of charity food bank organizations for surplus food.

39 (b) Coordinating the activities of federal, state, local and private
40 nonprofit organizations that provide food assistance to the hungry.

41 (c) Accepting and disbursing federal monies, and any state monies
42 appropriated by the legislature, to private nonprofit organizations in
43 support of the collection, receipt, handling, storage and distribution of
44 donated or surplus food items.

1 (d) Providing technical assistance to private nonprofit organizations
2 that provide or intend to provide services to the hungry.

3 (e) Developing a state plan on hunger which, at a minimum, identifies
4 the magnitude of the hunger problem in this state, the characteristics of the
5 population in need, the availability and location of charity food banks and
6 the potential sources of surplus food, assesses the effectiveness of the
7 donated food collection and distribution network and other efforts to
8 alleviate the hunger problem, and recommends goals and strategies to improve
9 the status of the hungry. The state plan on hunger shall be incorporated
10 into the department's state comprehensive plan prepared pursuant to section
11 41-1956.

12 (f) Establishing a special purpose advisory council on hunger pursuant
13 to section 41-1981.

14 19. Establish an office to address the issue of homelessness and to
15 provide coordination and assistance to public and private nonprofit
16 organizations that prevent homelessness or aid homeless individuals and
17 families throughout this state. These activities shall include:

18 (a) Promoting and participating in planning for the prevention of
19 homelessness and the development of services to homeless persons.

20 (b) Identifying and developing strategies for resolving barriers in
21 state agency service delivery systems that inhibit the provision and
22 coordination of appropriate services to homeless persons and persons in
23 danger of being homeless.

24 (c) Assisting in the coordination of the activities of federal, state
25 and local governments and the private sector that prevent homelessness or
26 provide assistance to homeless people.

27 (d) Assisting in obtaining and increasing funding from all appropriate
28 sources to prevent homelessness or assist in alleviating homelessness.

29 (e) Serving as a clearinghouse on information regarding funding and
30 services available to assist homeless persons and persons in danger of being
31 homeless.

32 (f) Developing an annual state comprehensive homeless assistance plan
33 to prevent and alleviate homelessness.

34 (g) Submitting an annual report by January 1, 1992 and each year
35 thereafter to the governor, the president of the senate and the speaker of
36 the house of representatives on the status of homelessness and efforts to
37 prevent and alleviate homelessness.

38 20. Cooperate with the Arizona-Mexico commission in the governor's
39 office and with researchers at universities in this state to collect data and
40 conduct projects in the United States and Mexico on issues that are within
41 the scope of the department's duties and that relate to quality of life,
42 trade and economic development in this state in a manner that will help the
43 Arizona-Mexico commission to assess and enhance the economic competitiveness
44 of this state and of the Arizona-Mexico region.

B. If the department has responsibility for the care, custody or control of a child or is paying the cost of care for a child, it may serve as representative payee to receive and administer social security and veterans administration benefits and other benefits payable to such child. Notwithstanding any law to the contrary, the department:

1. Shall deposit, pursuant to sections 35-146 and 35-147, such monies as it receives to be retained separate and apart from the state general fund on the books of the department of administration.

2. May use such monies to defray the cost of care and services expended by the department for the benefit, welfare and best interests of the child and invest any of the monies that the director determines are not necessary for immediate use.

3. Shall maintain separate records to account for the receipt, investment and disposition of funds received for each child.

4. On termination of the department's responsibility for the child, shall release any funds remaining to the child's credit in accordance with the requirements of the funding source or in the absence of such requirements shall release the remaining funds to:

(a) The child, if the child is at least eighteen years of age or is emancipated.

(b) The person responsible for the child if the child is a minor and not emancipated.

C. Subsection B of this section does not pertain to benefits payable to or for the benefit of a child receiving services under title 36.

D. Volunteers reimbursed for expenses pursuant to subsection A, paragraph 5 of this section are not eligible for workers' compensation under title 23, chapter 6.

E. In implementing the temporary assistance for needy families program pursuant to Public Law 104-193, the department shall provide for cash assistance to two parent families if both parents are able to work only upon documented participation by both parents in work activities described in title 46, chapter 2, article 5, except that payments may be made to families who do not meet the participation requirements if:

1. It is determined on an individual case basis that they have emergency needs.

2. The family is determined to be eligible for diversion from long-term cash assistance pursuant to title 46, chapter 2, article 5.

F. The department shall provide for cash assistance under temporary assistance for needy families pursuant to Public Law 104-193 to two parent families for no longer than six months if both parents are able to work, except that additional assistance may be provided on an individual case basis to families with extraordinary circumstances. The department shall establish by rule the criteria to be used to determine eligibility for additional cash assistance.

1 G. The department may establish a representative payee program to
2 provide representative payee services to manage social security or
3 supplemental security income benefits for persons who are receiving general
4 assistance benefits pursuant to section 46-233 and who require the services
5 of a representative payee to manage social security or supplemental security
6 income benefits. The department may use not more than an average of eight
7 hundred fifty dollars for any one person annually from monies appropriated
8 for general assistance benefits for the purpose of paying persons or agencies
9 to provide representative payee services.

10 H. The department shall adopt the following discount medical payment
11 system no later than October 1, 1993 for persons who the department
12 determines are eligible and who are receiving rehabilitation services
13 pursuant to subsection A, paragraph 1, subdivision (d) of this section:

14 1. For inpatient hospital admissions and outpatient hospital services
15 the department shall reimburse a hospital according to the tiered per diem
16 rates and outpatient cost-to-charge ratios established by the Arizona health
17 care cost containment system pursuant to section 36-2903.01, subsection H.

18 2. The department's liability for a hospital claim under this
19 subsection is subject to availability of funds.

20 3. A hospital bill is considered received for purposes of paragraph 5
21 of this subsection upon initial receipt of the legible, error-free claim form
22 by the department if the claim includes the following error-free
23 documentation in legible form:

24 (a) An admission face sheet.

25 (b) An itemized statement.

26 (c) An admission history and physical.

27 (d) A discharge summary or an interim summary if the claim is split.

28 (e) An emergency record, if admission was through the emergency room.

29 (f) Operative reports, if applicable.

30 (g) A labor and delivery room report, if applicable.

31 4. The department shall require that the hospital pursue other third
32 party payors before submitting a claim to the department. Payment received
33 by a hospital from the department pursuant to this subsection is considered
34 payment by the department of the department's liability for the hospital
35 bill. A hospital may collect any unpaid portion of its bill from other third
36 party payors or in situations covered by title 33, chapter 7, article 3.

37 5. For inpatient hospital admissions and outpatient hospital services
38 rendered on and after October 1, 1997, if the department receives the claim
39 directly from the hospital, the department shall pay a hospital's rate
40 established according to this section subject to the following:

41 (a) If the hospital's bill is paid within thirty days of the date the
42 bill was received, the department shall pay ninety-nine per cent of the rate.

43 (b) If the hospital's bill is paid after thirty days but within sixty
44 days of the date the bill was received, the department shall pay one hundred
45 per cent of the rate.

(c) If the hospital's bill is paid any time after sixty days of the date the bill was received, the department shall pay one hundred per cent of the rate plus a fee of one per cent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.

6. For medical services other than those for which a rate has been established pursuant to section 36-2903.01, subsection H, the department shall pay according to the Arizona health care cost containment system capped fee-for-service schedule adopted pursuant to section 36-2904, subsection ~~K~~ or any other established fee schedule the department determines reasonable.

I. The department shall not pay claims for services pursuant to this section that are submitted more than nine months after the date of service for which the payment is claimed.

J. To assist in the location of persons or assets for the purpose of establishing paternity, establishing, modifying or enforcing child support obligations and other related functions, the department has access, including automated access if the records are maintained in an automated ~~data-base~~ DATABASE, to records of state and local government agencies, including:

1. Vital statistics, including records of marriage, birth and divorce.
2. State and local tax and revenue records, including information on residence address, employer, income and assets.
3. Records concerning real and titled personal property.
4. Records of occupational and professional licenses.
5. Records concerning the ownership and control of corporations, partnerships and other business entities.
6. Employment security records.
7. Records of agencies administering public assistance programs.
8. Records of the motor vehicle division of the department of transportation.
9. Records of the state department of corrections.
10. Any system used by a state agency to locate a person for motor vehicle or law enforcement purposes, including access to information contained in the Arizona criminal justice information system.

K. Notwithstanding subsection J of this section, the department or its agents shall not seek or obtain information on the assets of an individual unless paternity is presumed pursuant to section 25-814 or established.

L. Access to records of the department of revenue pursuant to subsection J of this section shall be provided in accordance with section 42-2003.

M. The department also has access to certain records held by private entities with respect to child support obligors or obligees, or individuals against whom such an obligation is sought. The information shall be obtained as follows:

1. In response to a child support subpoena issued by the department pursuant to section 25-520, the names and addresses of these persons and the

1 names and addresses of the employers of these persons, as appearing in
2 customer records of public utilities and cable television companies.
3 2. Information on these persons held by financial institutions.
4 N. Pursuant to department rules, the department may compromise or
5 settle any support debt owed to the department if the director or an
6 authorized agent determines that it is in the best interest of the state and
7 after considering each of the following factors:
8 1. The obligor's financial resources.
9 2. The cost of further enforcement action.
10 3. The likelihood of recovering the full amount of the debt.
11 O. Notwithstanding any law to the contrary, a state or local
12 governmental agency or private entity is not subject to civil liability for
13 the disclosure of information made in good faith to the department pursuant
14 to this section.